Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2003/04

November 15, 2004

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Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission for the year ended March 31, 2004 is prepared pursuant to the Provincial Finance Act and government policy and guidelines. These authorities require the reporting of outcomes against the Commission's business plan information for the fiscal year 2003/04. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the Commission.

We acknowledge that this accountability report is the responsibility of Commission management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Commission's business plan for the year.

Hon. Michael Baker, Q.C.
Minister Responsible for the N.S. Human Rights Act

Mayann Francis
Director & CEO

Message From the CEO

This document highlights the continuing progress made towards achieving the vision of a more transparent and effective Nova Scotia Human Rights Commission. Among the elements of the vision for the Commission:

- Implementing a strategic vision to carry the Commission into the 21st century.
- Expediting the processing of cases.

The Nova Scotia Human Rights Commission is an independent government agency charged with administering the *Human Rights Act*, a provincial statute created in 1969.

The 2003/04 fiscal year marked the next phase in a process of renewal for the Commission. With the completion of an organizational review by consultants Grant Thornton in 2002/03, the process of implementing the consultants' recommendations began in earnest. The recommendations from the consultants highlighted the need to:

- reduce the time it takes for the Commission to resolve a complaint of discrimination;
- utilize new technologies to improve case management and planning within the Commission;
- use mediation more effectively as a tool to achieve our mandate; and
- enhance our public education and outreach functions.

To coordinate the accomplishment of these goals, a Project Manager was hired on a one-year term basis in May 2003. Because the process of implementation has proven complex, the manager's term was extended to November 2004 to ensure the full execution of the recommendations.

The focus of the Commission will remain improving our efficiency and effectiveness as an organization and helping Nova Scotians to build a province which encourages participation and achievement for all its citizens.

I. Introduction

This document is based on the goals and priorities identified in the Commission's 2003/04 business plan. With that in mind, this report should be read in concert with the business plan which is available on the Commission's website at http://gov.ns.ca/humanrights/accountability.htm.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core business areas of *Public Education and Outreach* and the *Investigation and Settlement of Complaints*. For the fourth year in a row, the Commission was able to meet its budget targets during 2003/04. These challenges included costs associated with a larger number of Boards of Inquiry, design of a new automated case management database and ongoing investments in staff development.

In April 2002, the consulting firm Grant Thornton was contracted to conduct Phase Two of the Commission's organizational review which examined roles, responsibilities and structures of the Commission. Their final report was released to the public in December 2002 and contained recommendations aimed at preparing the Commission to carry out its mandate in an increasingly diverse society. The focus of the report was a commitment to more efficient and effective levels of service for the public and a renewed commitment to promoting equity through public education and organizational change in the public and private sector. During 2003/04, the Commission hired a Project Manager to coordinate the implementation of the review's recommendations. This included improvements to policies and procedures relating to the complaint process, the design and testing of a case management database and revisions to the Commission's pamphlets and brochures.

During 2003/04, the Commission continued to take a leadership role in the promotion of an open society which embraces the many different backgrounds, beliefs and dreams of Nova Scotians. Major events were held in December 2003 to mark International Human Rights Day. Events took place simultaneously in Halifax and Sydney. The 8th annual Harmony Brunch was held in Halifax to celebrate the International Day for the Elimination of Racial Discrimination on March 21, 2004. A variety of partnerships with community groups, other government departments and agencies and local businesses contributed to the planning for the Commission's fifth annual public forum, "Women, Wisdom & Success" which intended to bring together women from a multitude of backgrounds from all over Nova Scotia. The third "Day of Reflection" with the Honourable John Hamm, Premier of Nova Scotia, and assembled faith leaders took place in November 2003 at Province House in Halifax.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2003/04 business plan.

II. Progress & Accomplishments

In its 2003/04 business plan, the Commission established the following goals:

1. To continue to promote the Commission as a credible and effective organization through better program delivery, improved service to the public and enhanced partnerships with other organizations.

2. To promote efficient and effective resolutions to complaints of discrimination.

3. To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.

What follows is a brief report on major initiatives undertaken to achieve the priorities set by the Commission's core business areas in support of these goals.

Resolution of Complaints of Discrimination

- In cooperation with Mi'kmaq and other aboriginal communities, develop an aboriginal action plan to improve the services the Commission offers to these communities, particularly through the development of effective models of dispute resolution.
  - The design of an action plan was postponed until the 2004/05 fiscal year to allow the division to complete the implementation of recommendations from the organizational review relating to the complaint process.

- Implement a new dispute resolution policy to encourage the early settlement of complaints in keeping with the recommendations from the organizational review.
  - To ensure the separation of investigation and mediation functions, the Commission recruited the services of external mediators in January 2003 as part of a pilot project to promote the greater use of settlement initiatives to resolve complaints of discrimination. The early results of the pilot were positive, with more than 50% of the cases referred to external mediators resulting in settlement agreements. The pilot project was conducted within the current budget of the Commission.
  - The overall success of the pilot led to the issue of a Request for Proposals (RFP) in November 2003. The RFP culminated in the creation of a roster of external mediators in February 2004.

- Continue development of best practices to address systemic discrimination.

- The division continued to work cooperatively with the Coordinator of Race Relations and Affirmative Action to develop a checklist for identifying systemic issues in human rights complaints.
- Training and development activities continued which increased the knowledge of staff related to systemic discrimination issues.

- Improve the complaint process by implementing the recommendations from the organizational review.
  - A Project Manager was hired in May 2003 to coordinate the implementation of recommendations from the review.
  - The Project Manager established a work plan to complete initiatives related to the implementation of the review recommendations.
  - Staff committees were formed to advance work on a new policy and procedures manual, the design of a case management database and the development of a Code of Conduct for Commission staff.
  - An Appeal Commissioner from the Workers Compensation Appeals Tribunal was seconded to the Commission from April - August 2003 to prepare a detailed work plan for implementing the recommendations from the review relating to the complaint process. The resulting report focused on time lines, standards and the separation of mediation and investigation roles at the Commission.
  - The recruitment of an Intake Analyst to centralize the assessment of potential complaints was begun with the analyst expected to be in place by spring 2004.
  - A process to update time lines and standards for the investigation and resolution of complaints was established with an expected completion date of fall 2004.

- Pursue more effective methods of tracking case management.
  - A consultant was hired in January 2004 through IT Services at the Justice CSU to design and program an Oracle database to track case management at the Commission.
  - The case management database is expected to go into operation during fall 2004.

- Develop a Code of Ethics for Commission staff.
  - A Code of Conduct for Commission staff was approved during 2003 based on the recommendations of a working committee of staff and management representatives. The committee was chaired by the Project Manager.
  - All new Commission staff were briefed on the Code of Conduct as part of a new orientation program which was established during 2003.
  - The internal Code of Conduct recognizes the supremacy of the provincial government's Code of Conduct for Civil Servants found in Management Manual 500.

Public Education & Outreach

- Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change; this includes oral presentations on trends and concerns to government and opposition caucuses in conjunction with the filing of the Commission's annual report.
  - Due to scheduling difficulties, the briefing of caucuses did not take place prior to the end of the 2003/04 fiscal year. Those briefings are expected be completed by the fall of 2004.
- Develop a comprehensive communication's plan, including a unified theme, for 2003 activities.
  - Continued support through Communications Nova Scotia for the development of communications plans and strategies was received in conjunction with major annual activities such as Human Rights Day, March 21st events and the Commission's annual public forum. This ensured strategic planning for media relations and promotion of events.

- Continue communication initiatives aimed at increasing the Commission's public profile.
  - Press releases were issued for all major events, as well as to announce settlement agreements for Boards of Inquiry.
  - On November 6, 2003, the third annual "Day of Reflection" was held at Province House on the theme "Reflecting, Healing and Community". The event featured remarks from the Premier, thoughts from numerous faith leaders and a musical performance from Order of Canada nominee Terry Kelly.
  - Planning for the fifth annual public forum, entitled "Women, Wisdom and Success" was begun during the fall and winter months of 2003/04. The forum was held in April 2004.

- Continue policy research and development in partnership with external organizations in emerging areas of human rights including undertaking special projects aimed at mental health consumers and public education on political belief as a prohibited ground as specified in the settlement agreement for *Archibald Kaiser v. Executive Council of Nova Scotia.*
  - On December 10, 2003, the Commission marked International Human Rights Day at Dalhousie University in Halifax. The event was organized and sponsored by Partners Against Racism (PAR), a committee of community and business people who volunteer time and resources. Role models for change were celebrated for 'Living Human Rights on a daily basis. Remarks from the Commission's CEO, Mayann Francis, honoured the memory of the late Sandra Toumishey who worked diligently to advance equity on the Dalhousie campus.

- International Human Rights Day was also marked in Sydney with the assistance of volunteers from the community at large and the students and teachers at the secondary and post-secondary level.

- Promote the Commission as a source of information and resource on human rights issues and compliance under the *Act* for employers and employees in the public, private, educational and not-for-profit sectors.

  - Requests for training from the Commission's Race Relations and Affirmative Action Division continued to expand. The division recovered more than $11, 000 through its training activities in 2003/04.
  - The Commission initiated a review of the affirmative action agreement with the Nova Scotia Public Service Commission, signed in 1997, the agreement is due for a review and renewal process during 2004.

III. Financial Results

N.S. Human Rights Commission - Estimated Budget Expenditures		
	Budget - 2003/04 (Per 2003/04 Estimates Book)	Budget - 2003/04 (Actuals)
	$ Millions	$ Millions
Total - Gross Current	$1.764	$1.764
Total - Program Expenses	$0.483	$0.818
Funds From Kaiser Settlement*	$0.030	$0.030
Salaries & Benefits	$1.263	$0.9151
Funded Staff (FTEs)	22	22

IV. Performance Measures

The measures in this report are from the Commission's 2003/04 business plan. They represent outcomes identified in the core business areas of *Public Education and Outreach* and *Investigation and Settlement of Complaints.*

Resolution of Complaints of Discrimination

Outcome: **More efficient complaint handling process.**

Measure: ***Average time to process complaints.***

What This Measure Tells Us?

The Director and CEO has pledged to ensure that the public receives efficient and effective service from the Commission. One way to measure the progress in meeting that commitment is the time it takes for a complaint of discrimination to be resolved.

Where Are We Now?

Expanded use of mediation, a review of time lines for case management, a reallocation of staff resources and ongoing training for investigation staff continue to be used to work towards the achievement of this outcome.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is to complete the processing of complaints in 12 months or less.

Outcome: **More efficient complaint handling process.**

Measure: ***Percentage of cases where intervention attempted.***
Measure: ***Percentage of cases where dispute resolution attempts.***

What Does This Measure Tell Us?

The settlement of complaints may be a quicker and more effective process if, where appropriate, the parties are brought together earlier to discuss options for resolution. As the Commission continues

to implement recommendations from its organizational review, mediation will play a greater role in the settlement of complaints.

Where Are We Now?

The Commission has decided to use the term "mediation" to describe all attempts at settling complaints, whether they are formalized complaints or not. This is in the interest of being clear and consistent when communicating with clients. As a result, beginning with the 2003/04 fiscal year, the terms "intervention" and "dispute resolution" were no longer used. A roster of external mediators was recruited and established in April 2004 to expedite mediation of complaints. As a result, in its next business plan the Commission will be replacing these two measures. New measures will focus on the number of files at both the informal and formal level where mediation is offered as an alternative for bringing about resolution.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year will be revised accordingly to reflect the shift in emphasis towards mediation. That target will reflect the impact of the roster of external mediators which was established in April 2004 and the creation of an Intake Unit which will immediately assess the likelihood that a matter could be referred to mediation.

Outcome: **More efficient complaint handling process.**

Measure: ***Number of files with checklist for systemic issues completed.***

What Does This Measure Tell Us?

In addition to resolving individual complaints of discrimination, the Commission also looks to eliminate the underlying causes of discrimination. Known as systemic discrimination, this may be the result of policies, procedures or practices that disadvantage a particular group, whether intentionally or not. By paying attention to possible systemic causes in its work, the Commission will be able to advance the fostering of an equitable society and fair work places much more effectively.

Where Are We Now?

The investigation staff of the Commission continue to receive training and skill development in the settlement of systemic issues. As the recommendations from the organizational review continue to be developed, the skill of staff will be further enhanced. The Coordinator of Investigation and

Compliance and the Coordinator of Race Relations and Affirmative Action have continued to collaborate on the development of a checklist to identify systemic issues in potential complaints. This is expected to be in place before the end of the 2004/05 fiscal year allowing the Commission to achieve its goal as stated in the business plan.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is for investigation staff to complete a systemic discrimination checklist for all cases. The completion of a systemic discrimination checklist will provide front line staff with a tool to ensure that all files are assessed for potential systemic issues.

Outcome: **Staff knowledgeable about emerging issues.**

Measure: ***Response time to parties.***

What Does This Measure Tell Us?

Society has become increasingly diverse in our province, and the knowledge of citizens about human rights issues has increased at the same time. For human rights commissions, this means they are faced with different interpretations of their governing acts which may challenge accepted knowledge or belief. To continue to be efficient in its work, the Commission must be able to anticipate emerging trends and respond to inquiries based on these trends quickly and accurately.

Where Are We Now?

Because of delays in recruitment of key roles in the Investigation Division, the Commission was unable to improve upon the base year measure of four weeks as set out in its business plan.

A number of developments will contribute to reaching the 2004/05 target of two weeks to respond to parties. An in-house legal counsel will be recruited during fall 2004. This expertise will enable the Commission to respond more proactively to emerging issues and concerns. A dedicated Intake Unit will be implemented during the Fall of 2004 which will channel all inquiries through one source for consistent and efficient response. Standards for response time to inquiries are being developed by the Coordinator of Investigation and Compliance based on the results of the Commission's organizational review and a detailed examination of the complaint process conducted by an appeals commissioner from the Workers Compensation Appeals Tribunal. And a computerized complaint tracking system will come online in November 2004 allowing staff and management to more effectively monitor time lines for the processing of inquiries to ensure targets are being met.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is for staff to be able to respond to inquiries about emerging issues within two weeks. The Commission remains confident that the developments described above make this target reasonable.

Public Education & Outreach

Outcome: Commission recognized as a leader in the human rights field.

Measure: *The number of strategic partnerships for event planning.*

What Does This Measure Tell Us?

To be successful in fostering an equitable society and healthy work places in Nova Scotia, the Commission must engage public and private organizations in its activities. By increasing the number of such partnerships, the Commission extends its ability to engage Nova Scotians in discussion and debate about human rights issues and encourages employers to open their work places to the benefits of diversity. Developing partnerships also enables the Commission to use its financial resources in more efficient and effective ways to achieve its mandate.

Where Are We Now?

The Partners Against Racism (PAR) committee remains the Commission's primary forum for community partnerships. Each member of PAR contributes their time and some financial resources to successful events for International Human Rights Day (December 10th) and the International Day for the Elimination of Racial Discrimination (March 21st). Membership in this committee currently stands at nine organizations.

During the 2003/04 fiscal year, Trade Centre Limited., a major player in Nova Scotia's tourism sector, agreed to host the first "Champions for the Workplace" breakfast in January 2004. An initiative of the Commission's Director and CEO, "Champions for the Workplace" encourages employers to host a breakfast for colleagues to discuss successes and challenges related to managing inclusion within their workforces. The Commission will target a number of different business sectors with this initiative annually.

Where Do We Want to be in the Future?

The target for the 2004/05 fiscal year is to increase the number of strategic partnerships to ten. Four "Champions for the Workplace" events are anticipated for 2004/05 which will engage more private sector employers in dialogue about human rights. The Commission's sixth annual public forum will take place in the spring of 2005 and involve a broad range of private and public scetor partners and selected representatives from community organizations. These initiatives will combine to achieve the goal for 2004/05 of ten strategic partnerships.

Outcome: **Employers committed to inclusive workplaces free of discrimination.**

Measure: ***Number of requests for training.***

What Does This Measure tell Us?

If the Commission is serious about fostering healthy work places, then it is essential to develop relationships with employers which promote the growth of inclusive and respectful environments for their employees. To accomplish this, the Commission uses a number of tools. These include affirmative action agreements, awareness training and assistance with the development of better work place policies.

Where Are We Now?

In 2003/04, 26 requests for training were received by the Commission which resulted in the delivery of 23 training modules. As the recommendations from the Commission's organizational review continue to be implemented, our ability to reach out proactively to employers will be enhanced. Greater efficiency in the investigation and settlement of complaints will enable more resources to be invested in training, outreach and policy development. As well, the expanded use of mediation to resolve complaints will enable creative resolutions which are mindful of the broader public interests involved in human rights.

Where Do We Want to Be in the Future?

The target for the 2004/05 fiscal year is for the requests for training to increase to 36 annually. To enable that target to be achieved, plans are underway to shift more human resources to this core business area during 2004/05.